

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ADRIAN BARRIE SMITH : No. 13-cv-4212 (ALC) (GWG)
Plaintiff,
- against -
HOWARD LUTNICK, ALLISON LUTNICK
and ANDY WELLER,
Defendants.
-----x

**DECLARATION OF
JENNIFER A. MUSTES**

Jennifer A. Mustes, pursuant to 28 U.S.C. § 1746, hereby declares under the
penalty of perjury as follows:

1. I am a member in good standing in the bar of this Court and am an attorney with the law firm Friedman Kaplan Seiler & Adelman LLP, counsel for Defendants Howard Lutnick, Allison Lutnick and Andy Weller. I respectfully submit this declaration in support of Defendants' Motion to Dismiss the Complaint with Prejudice.
2. Attached as Exhibit A is a true and correct copy of the complaint filed by Adrian Barrie Smith in the above-captioned proceeding, dated June 18, 2013.
3. Attached as Exhibit B is a true and correct copy of a Notice of Claim filed by Adrian B. Smith against Howard Lutnick in the Civil Court of the City of New York, Small Claims Part, Index No. 3002 SCNY 2011, dated January 5, 2012.
4. Attached as Exhibit C is a true and correct copy of a Notice of Claim filed by Adrian B. Smith against Cantor Fitzgerald LP in the Civil Court of the City of New York, Small Claims Part, Index No. 3001 SCNY 2011, dated January 10, 2012.

5. Attached as Exhibit D is a true and correct copy of a Decision/Order dismissing Small Claims Court Index Nos. 3001/11 and 3002/11, dated May 11, 2012.

6. Attached as Exhibit E is a true and correct copy of a Notice of Claim filed by Adrian Smith against Andy Weller in the Civil Court of the City of New York, Small Claims Part, Index No. 950 SCNY 2012, dated October 11, 2012.

7. Attached as Exhibit F is a true and correct copy of a Notice of Claim filed by Adrian Smith against Mathew Gilbert in the Civil Court of the City of New York, Small Claims Part, Index No. 1091 SCNY 2012, dated November 1, 2012.

8. Attached as Exhibit G is a true and correct copy of a Notice of Claim filed by UK Nanny LLC against Howard Lutnick in the Civil Court of the City of New York, Small Claims Part, Index No. 30182 SCNY 2012, dated November 13, 2012.

9. Attached as Exhibit H is a true and correct copy of a Small Claims Court Decision/Order dismissing *Adrian B. Smith v. Jerry Seinfeld*, Index No. 1841/2012 and UK Nanny LLC v. Jerry Seinfeld, Index No. 30268/2012, dated May 31, 2013.

10. Attached as Exhibit I is a true and correct copy of an unfiled summons and complaint provided by Plaintiff at the parties' August 12, 2013 conference.

11. Attached as Exhibit J is a true and correct copy of Defendants' pre-motion conference letter in the above-captioned proceeding, dated July 16, 2013.

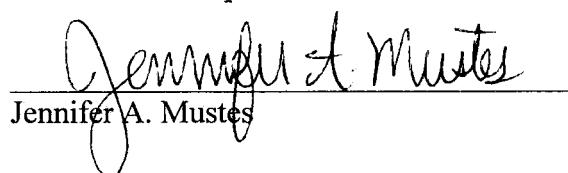
12. Attached as Exhibit K is a true and correct copy of the Certificate of Disposition in *People v. Adrian Smith*, Docket No. 2011 NY 023116.

13. Attached as Exhibit L is a true and correct copy of the Certificate of Disposition in *People v. Adrian Smith*, Docket No. 2010 NY 076014.

14. Attached as Exhibit M is a true and correct copy of the Misdemeanor Complaint in *People v. Adrian Smith*, Docket No. 2013 NY 066922.

* * *

I declare under penalty of perjury that the foregoing is true and correct. Executed on November 12, 2013, New York, New York.


Jennifer A. Mustes
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